Welcome to the City Council meeting!

The elected officials of the City of Bonners Ferry are appreciative of an involved constituency. Testimony from the public is encouraged concerning issues when addressed under the <u>Public Hearing</u> portion of the agenda. Any individual who wishes may address the council on any issue, whether on the agenda or not, during the <u>Public Comments</u> period. Normal business will preclude public participation during the business portion of the meeting with the discretion left to the Mayor and Council. <u>Special accommodations</u> to see, hear, or participate in the public meeting should be made at City Hall within two days of the public meeting.

Vision Statement

Bonners Ferry, "The Friendliest City", strives to achieve balanced growth, builds on community strengths, respects natural resources, promotes excellence in Government, and values quality of life.

AGENDA
SPECIAL CITY COUNCIL MEETING
Bonners Ferry City Hall
7232 Main Street
267-3105
September 12, 2017
6:00 p.m.

PUBLIC HEARING

Idaho Community Development Block Grant - Swimming Pool and Pool Grounds Improvements

Authorization for the Mayor to Sign Idaho Community Development Block Grant Application for Swimming Pool and Pool Grounds Improvements

OLD BUSINESS

1. City – Discuss Boundary County Conditional Use Permit Application 17-139 for Matt Philbrook's Proposed Construction of a 6-Plex at 6803 Tamarack Drive (attachment)

Notice of Public Hearing on Proposed Grant Activities

The City of Bonners Ferry is submitting a proposal to the Idaho Department of Commerce for an Idaho Community Development Block Grant (ICDBG) in the amount up to \$100,000. The proposed project is to make necessary repairs to the stem walls, walkway/patio, bath house and pathways of the municipal swimming pool and park for the safety of our patrons. The hearing will include a discussion of the application, scope of work, budget, schedule, benefits of the project, how ICDBG funds will benefit low and moderate-income persons, and location of the proposed project. The application, related documents, and ICDBG Application Handbook will be available for review.

The hearing has been scheduled for Tuesday, September 12, 2017 at 6:00 PM, Bonners Ferry City Council Chambers, Bonners Ferry City Hall, 7232 Main Street, Bonners Ferry, Idaho. Verbal and written comments will be accepted prior to and at the hearing.

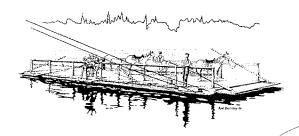
The hearing will be held in a facility that is accessible to persons with disabilities. Special accommodations will be available, upon request, five (5) days prior to the hearing in a format that is usable to persons with disabilities. For more information, contact Kris Larson, City Clerk at 208-267-3105.

David Sims, Mayor City of Bonners Ferry PO Box 149 Bonners Ferry, ID 83805

This Notice can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency upon request.

Al ser solicitada, ésta notificación puede ser proveída en un formato fácil de usar para personas con discapacidad y/o personas con conocimientos limitados del Inglés.

Publish: August 31, 2017



MEMO

CITY OF BONNERS FERRY CITY ENGINEER/ADMIN

Resubmitted for 9-12-17 Packet

Date:

September 1, 2017

To:

Mayor and City Council

From:

Mike Klaus, City Engineer/Administrator

Subject: Boundary County - Conditional Use Permit Comments

An application has been made to Boundary County for a Conditional Use Permit (CUP) on a parcel adjacent to the City limits of Bonners Ferry. The request is for approval to construct a residential 6-plex at 6803 Tamarack Dr., as shown in

the attached application to the County.

The location of the proposed CUP is within the Area of City Impact, or ACI. The ACI between the City and the County includes a provision for the City to make comments to the County on the proposal. Please take a few minutes to read the attached Area of Impact Agreement (City Ord. 499). On page 2 you will see that Section 6, Item 2, provides for City input on certain County actions, including conditional use permits. The last sentence of that item states "In granting a recommendation of approval, the City Council shall have the right to suggest terms and conditions pertinent to the permit under consideration"

With this memo, I am soliciting comments or recommendations, if any, from the Mayor and Council that you would like to share with the County Planning Zoning Commission before their hearing of this application on September 21, 2017. Comments to Boundary County P&Z must be received before noon on September 14, 2017. Staff will prepare your comments as directed.

Thank you,

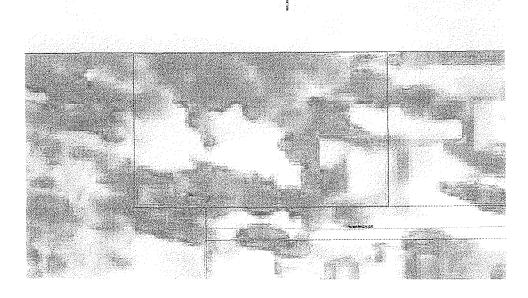
Mike

Staff Report COPY

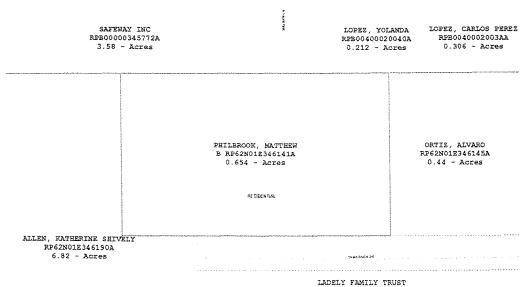
8/23/2017 Date Accepted Admin Name John B. Moss 17 139 Application No. Applicant/Owner Information Tax Parcel No. RP62N01E346141A Applicant's Name Philbrook, Matt Shorthand Legal Description Address 6803 Tamarack Drive **TAX 181** City State Zip Bonners Ferry, ID 83805 SEC 34 T62N R1E Telephone 208 301-2827 Property Owner Matt Philbrook Zone District Residential Owner Address PO Box 91 Parcel Size .654 City State Zip Bonners Ferry, ID 83805 Flood Zone X Services and Utilities: FIRM Map Access Tamarack Dr Type Devel. Other Water BF Process Conditional Use Permit Sewer BF Known Hazards/Special Areas Electric NLI N/A Gas Phone Fire Protection Paradise Valley Fire Assc. **Primary Improvement:** Building Type Frame Square Footage 9870 Setbacks: Front 25 Side 1 5 Side 2 5 Rear 5 Built By Improvement Height 26 Expected Completion Date 4/5/2018 **Accessory Structures:** Sethacks Description Front Side 1 Side 2 Rear Height Footage Detailed description of proposed use: Build 6-plex multi family structure. Application 17-138 is dependent upon this Conditional Use Permit approval. Applicant wishes to use existing address for parcel: 6803 Tamarack Dr, assigning contiguous numbers, e.g., existing 1-4; new 6-plex 5-10

gency l	Inspec	tions/Additional Approvals				
O Yes	● No	No Road Access Permit, County Road & Bridge (208) 267-3838				
O Yes	No	Septic Permit, Panhandle Health (208) 267-5558				
O Yes	No	Wells, Idaho Department of Water Resources (208) 762-2800				
O Yes	No	Plumbing, Idaho Division of Building Safety (800) 955-3044				
O Yes	● No	Electrical Idaho Division of Building Safety (800) 955-3044				
O Yes	● No	Mechanical, Idaho Division of Building Safety (800) 955-3044				
O Yes	No	Wetland/Waterway Joint Development Permit, USACE (208) 765-8961				
O Yes	No	Physical Address, Boundary County GIS Mapping, (208) 267-5395				
O Yes	O No					
Primary	Hours	and Days of Operation				
Access/P	arking					
Signage						
Landsca	ping					
	.,,					
Number	of Emp	loyees Anticipated				
Estimate	d Traff	ic Type/Volume:				
Solid wa	ste gene	erated/Method of Disposal				
Idaho Ta	ax No/B	usiness Name:				
Ordinan	ce Cons	siderations				

7.6.3. Planning and Zoning Commission: The planning and zoning commission will hold public hearing on the proposed conditional use. Based on the materials of the application, staff analysis and testimony presented in writing or during public hearing, members of the planning and zoning commission will hold discussion to consider a decision and, if applicable, terms and conditions, giving due consideration to potential takings issues, so as to develop reasoned findings.7.7. Considerations: When considering a conditional use application, the planning and zoning commission should determine, at minimum: 7.7.1. Whether the application, site plan and additional documentation provided by the applicant sufficiently demonstrate the full scope of the use proposed. 7.7.2. Whether the proposed use conforms to all applicable standards established by this ordinance. 7.7.3. Whether there is sufficient land area to accommodate the use proposed, and whether development is so timed and arranged so as to minimize adverse effects on surrounding properties and uses. 7.7.4. How the impacts of the use proposed compare with the impacts of existing uses within the zone. 7.7.5. Whether concerns raised by other departments, agencies or by the providers of public services, including but not limited to road and bridge, water, electricity, fire protection, sewer or septic, can be adequately addressed. 7.7.6. The potential benefit to the community offered by the use proposed. 7.7.7. Whether specific concerns aired through the public hearing process have validity and whether those concerns can be adequately addressed. 7.7.8. Whether the use proposed would constitute a public nuisance, impose undue adverse impact to established surrounding land uses or infringe on the property rights of surrounding property owners, and whether terms or conditions could be imposed adequate to mitigate those effects. 7.7.9. Whether the use proposed would unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use.



Map

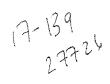


RP62N01E346160A 4.16 - Acres

Deciding Body P&Z Quasi-Judicial Type Hearing \$90.00 Application Fee Record of Public Hearing 27726 Rect No. P&Z 8/31/2017 Date Published Notices Mailed Application Issued O Yes O No Issue Date **Conditions Property Posted** Approval here grants approval to application 17-138, 9/21/2017 Public Hearing Date Residential Placement Permit. Outcome Board Date Published Notices Mailed **Property Posted Public Hearing Date** Outcome



Boundary County, Idaho Planning & Zoning Conditional Use Permit Application



Name: Matt	Philbrook	
Mailing Address:	P.U. Box 91	Phone: <u>208-301-28</u> 27
	Bonners Ferry ID	83805
Property Owner:	Same	
Owner Address:		_ Phone:
Interest Owner:	Same	Relationship:
Interest Address:		_ Phone:
	RPGNOIE346/4A Service [] Retail [] Wholesa	Acres: <u>O- 65</u> A C lle [] Manufacturing [刘 Other
	[今Frame []Mobile []Modula	
SqFt [9814] Height [[16] Max Occupancy [] Prim	ary Days of Operation []
Vehicle traffic per de	ay: [] Employee []Service	[] Customer
Access & Parking: _	Parking on site wi	th private road access
Signage:	-	
Utilities: Well []	Water [CHY BF] Sewer: BF[X] Septic[] Elec: NLI[X] BF[]
Construction dates:	Start [9/20/17] End [4/20/18] F	ire Protection:
Signature of others	with financial interest: <u>Affaff</u>	John John John John John John John John
Property Owner's	s Signature:	the Burn

Turn to Page 2

Submit with \$90 non-refundable fee to: Boundary County, Idaho Planning & Zoning 6452 Kootenai Street Room 16 | PO Box 419
Bonners Ferry, ID 83805 | 208 267-7212
Fax 208 267-7814



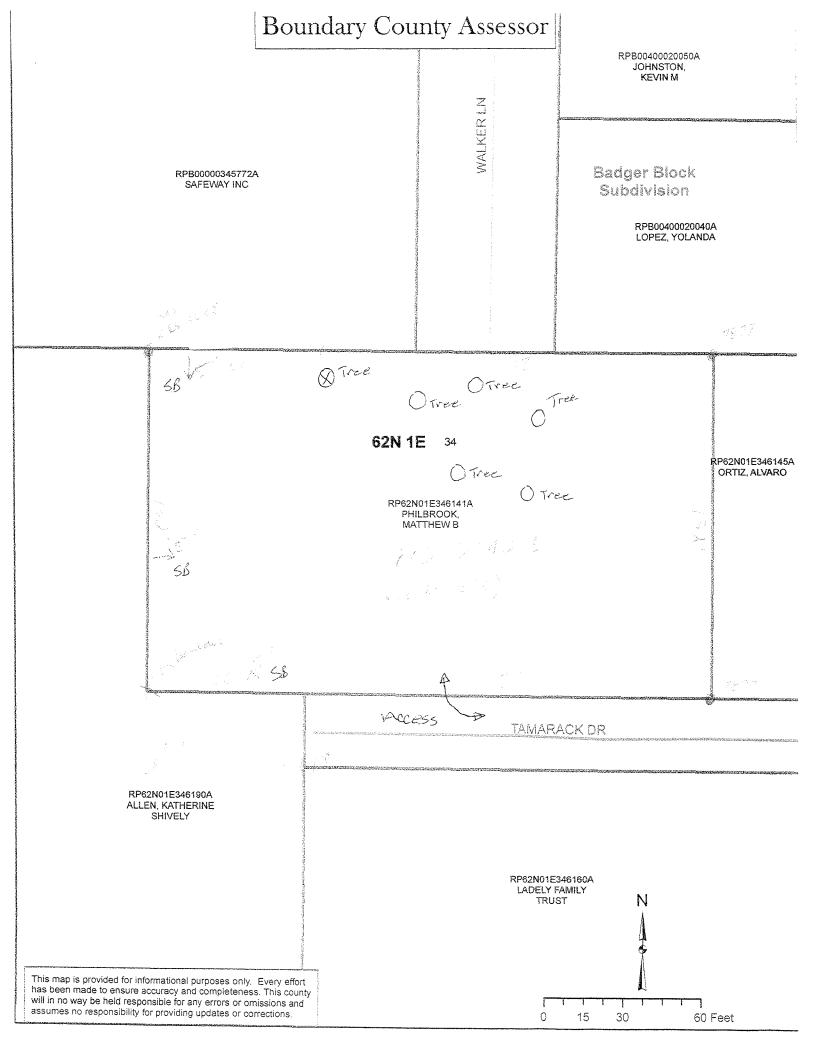
Boundary County, Idaho Planning & Zoning Conditional Use Permit Application Page 2

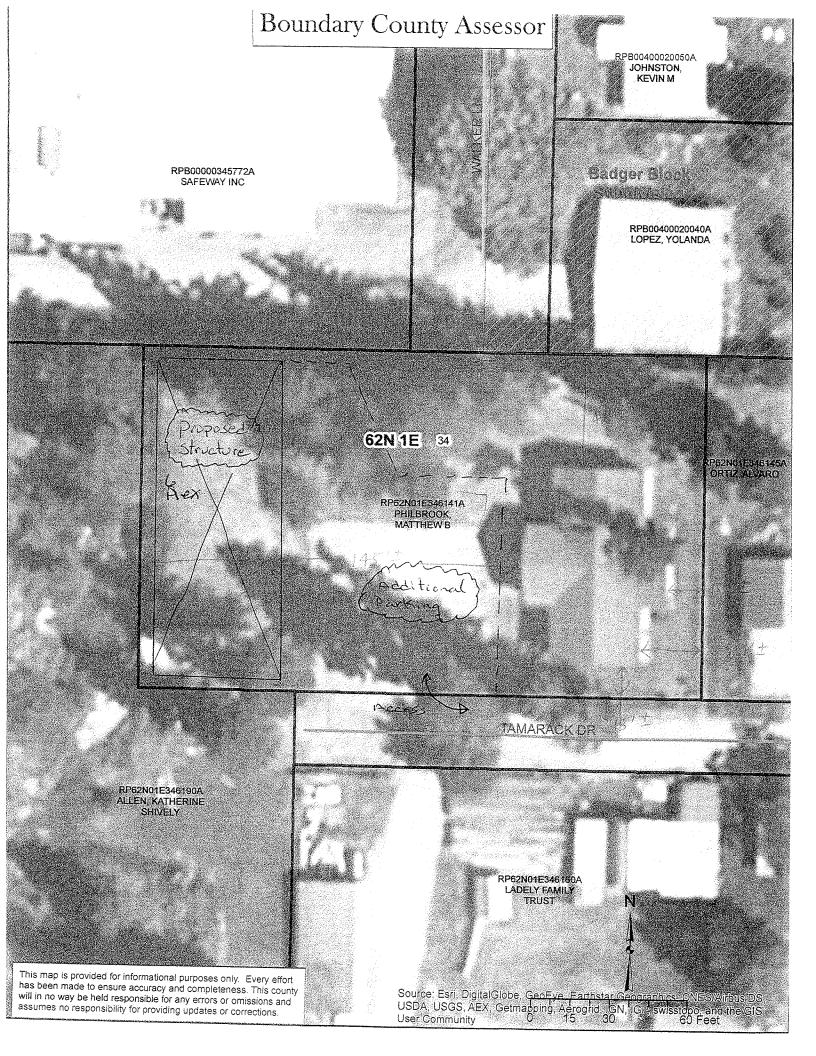
Information necessary for the application. If not applicable, enter 'NA', else ' $\sqrt{\ }$ '.
Attached* find site plan and documentation demonstrating proposed use.
MA] Applicable Ordinance provisions: Section Reference
[] Land Use requirements:multi family Coglex
Sufficient land area [] No
Effect on surrounding property or use [] Yes [No
Development timing: Daily hours 8 Week Days 5
[V] Identify similar uses within the zone: There is an existing
Plex on this property
What are the potential benefits to the community offered by the proposed use
Affordable housing within walking distance to
Stores and str schools for retired and school hard families
Best use of Avea 3

The Planning & Zoning Commission will also consider, at minimum:

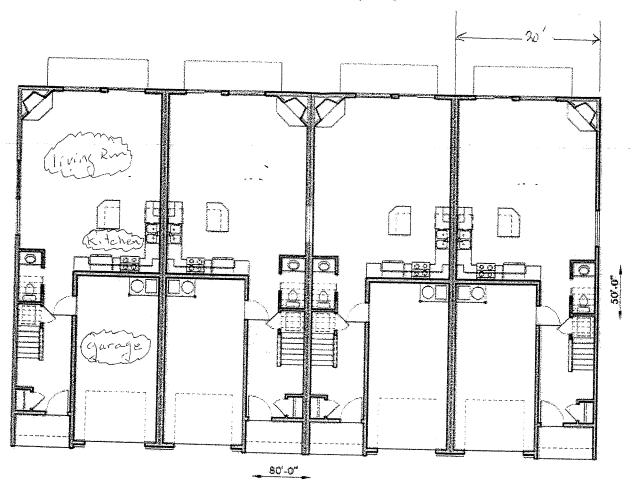
Whether there are concerns that may be raised by other county departments, other agencies or by the providers of public services including, but not limited to Road & Bridge, utilities, fire protection, EMT and Panhandle Health; the infringement of property rights of surrounding land owners; whether there are taxpayer costs not offset by the potential benefits of the proposed use.

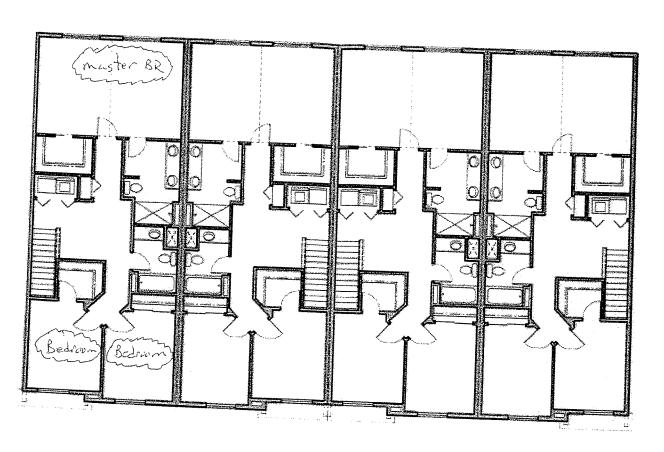
*Attach maps and drawings no larger than 11*17, sufficient to clearly depict the location of property lines, footprints of existing and proposed structures (to include distances from property lines), right of way, ingress/egress routes, parking areas, signage, and outdoor storage, work or holding area.





Proposed le-Plex





7.6.2. Administrator, Staff Analysis:

7.6.2.1. Summarize the development and use proposed.

Place a multi-plex structure on a parcel in addition to a similar structure

7.6.2.2. Establish the specifics of the site on which the use is proposed, to include:

parcel number: RP62N01E346141A

legal description: Tax 18 SEC 34 T62N R1E

parcel size: 0.654

zone district designation: Residential

surrounding zone district designation: Residential, City of Bonners Ferry

surrounding land uses: residences, commercial (city)

ingress/egress: Private road (Tamarack Drive) not maintained by County

7.6.2.3. Identify all overlay zones, hazardous areas or special sites that might be affected by the proposed use.

Closest Overlay consideration: Bonners Ferry Area of Impact

7.6.2.4. Cite comprehensive plan considerations.

11. HOUSING

11.1. INTRODUCTION: Housing development in Boundary County has traditionally been limited to a small portion of Boundary County's land mass...Residential development in Boundary County has long been minimally regulated and no construction standards additional to those required by the state and federal governments have been imposed by the county.

11.5. HOUSING NEEDS: Based on study of data from the population component, it is clear that population in Boundary County is both growing and aging. This is reflected in the fact that the great majority of those making application for zoning certificates are people who have reached or are nearing retirement age, while very few applicants have been in the 20-30 age group.

11.6. AFFORDABLE HOUSING: With the rising costs of home construction, combined with increasing land prices, it is reasonable to assume that the affordability of a home will continue to be dependent upon parcel size, with those areas allowing increased residential density offering the most affordable housing.

13. Land Use

13.2.5. Housing: Determining suitable density for residential development is tied to the ability to serve future residents adequately with water, septic, fire protection, schools, law enforcement and roads as well as the avoidance of hazardous and sensitive areas. Issues heavily discussed during community workshops to develop this Comprehensive Plan included maintaining the rural character of the community, preserving an individual's right to build the home that best suits their family's circumstance and need, maintaining water availability and quality, and the desire to focus higher development density into those areas where the infrastructure is currently in place so that expansion can keep ahead of expected growth at minimal cost to the taxpayer. In addition, it was determined that costs of providing infrastructure necessary to a proposed

improvement should be borne by the developer, which will require the establishment of certain minimal standards to be required as conditions of approval; to include but not limited to standards for roads, utility placement and installation, and fire protection. Minimum parcel sizes within high-density zone districts should be dependent on the level of service available, especially water and/or sewer service. Where one or both is available, a higher density could be allowed; where neither is available a minimum parcel size of no less than 2½ acres should be maintained so as to adequately accommodate both a well and a septic system on a single parcel. It is recognized that the only factor in the provision of affordable housing exercised by the county is in the establishment of minimum lot sizes through land use zoning laws.

- 7.6.2.5. Cite provisions of this ordinance applicable to the specifics of the proposal, to include standards applicable to the use proposed.
 - **2.55.** Residential: A primary structure or structures on a single lot or parcel designed for habitation and occupancy by an individual or family to include, at minimum, sleeping quarters, lavatory and kitchen facilities, as well as accessory structures incidental to residential use, such as a garage, shed, barn, noncommercial workshop or accessory dwelling unit, as follows:
 - **2.55.1.** Single Family Residential: One primary residential structure designed for occupation by one individual or family.
 - **2.55.2. Duplex Residential**: A single primary residential structure consisting of two residential units.
 - **2.55.3. Multi-Family Residential**: A single primary residential structure consisting of three or more residential units.
 - **2.55.4. Multi-Structure Residential: More than one primary residential structure, whether single family, duplex or multi-family, on a single parcel or lot.

15.12. RESIDENTIAL

15.12.1. Density:

15.12.1.1. Where both community water and sewer service is available: ¹/₄ acre.

15.12.2. Structure Setbacks: 20-feet from a road, side or back yard, 5-feet.

15.12.5. Conditional Uses:

**15.12.5.7. Multi-family or multi-structural residential.

7.6.2.6. Cite precedents that might be applicable to the specifics of the proposal.

Special Use Permit issued August 12 2005, Subject to the following terms and conditions:

That two additional parking spaces be developed in addition to those depicted on the site plan, and that no further residential development on this parcel shall be allowed.

Boundary County, Idaho SPECIAL USE PERMIT

SUP# 05-04

This is to certify that Matthew B. Philbrook

Have met the requirements of the Boundary County Zoning and Subdivision Ordinance to allow special use of real property located at:

RP62N01E346141A

To wit:

to build a four-unit complex (FourPlex) as rentals for residential living on a .640-acre parcel located on Tamarack Lane south of the Bonners Ferry City Limits. The proposed structure will be 80'x32'x32' with estimated daily traffic between 4 and 8. A walking trail will be established from the fourplex to Boundary Trading Co. from Walker Lane to reduce vehicle travel. Hedges or fence will be installed on the east side of the property for privacy and noise abatement. This complex will be a pet free facility.

Subject to the following terms and conditions:

That two additional parking spaces be developed in addition to those depicted on the site plan, and that no further residential development on this parcel shall be allowed.

Mike Weland

Zoning Administrator

Issued: 8/12/05

This special use permit shall be deemed to run with the land on which it is attached, and shall remain the valid controlling plan for the above-referenced parcel for the duration of the use hereon described. Should the use not be established within twenty four (24) months of the date of issuance, this permit shall be deemed to lapse. This Special Use Permit shall not be changed or amended except by application for a new Special Use Permit. This permit does not waive additional permit requirements established by the Boundary County Zoning and Subdivision Ordinance nor from any applicable state or federal law.

Form #31 - 3/99

As amended staff 05/15/06

Boundary County Ordinance No. 2006-3

City of Bonners Ferry Ordinance No. 499

AREA OF IMPACT AGREEMENT – CITY OF BONNERS FERRY

AN ORDINANCE DEFINING AND ESTABLISHING A GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF BONNERS FERRY, IDAHO, IDENTIFYING THE COMPREHENSIVE PLAN THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; IDENTIFYING THE SUBDIVISION AND ZONING ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; IDENTIFYING METHODS AND PROCEDURES FOR APPLICATION, ADMINISTRATION AND ENFORCEMENT OF THE COMPREHENSIVE PLAN AND ORDINANCES THAT SHALL APPLY WITHIN THE ESTABLISHED AREA OF CITY IMPACT; AND ESTABLISHING AN EFFECTIVE DATE PURSUANT TO SECTION 67-6526, IDAHO CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF BONNERS FERRY, IDAHO, COUNTY OF BOUNDARY, STATE OF IDAHO, AND;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, BOUNDARY COUNTY, STATE OF IDAHO.

Section 1: <u>Legislative Purpose</u>: The purpose for establishing an Area of City Impact is to identify a logical urban fringe area adjoining the City of Bonners Ferry, Idaho. The urban fringe area is realizing, or will realize, growth and development that must be planned and managed in an orderly fashion. The Area of City Impact recognizes trade area, geographic factors and the potential delivery of public services as being associated with the City of Bonners Ferry and comprised of areas that may reasonably be annexed to the City in the near and distant future.

Section 2: <u>Geographic Area of City Impact</u>: The officially adopted and agreed upon "Area of City Impact for Bonners Ferry, Idaho," is established by this ordinance and is set forth herein on the attached map entitled <u>Area of City Impact Map for the City of Bonners Ferry, Idaho</u> dated <u>5-23-06</u>, and marked Exhibit A.

Section 3: <u>Comprehensive Plan:</u> The Comprehensive Plan and subsequent amendments as officially adopted by the County of Boundary, Idaho, shall apply to the Area of City Impact within the unincorporated area of Boundary County, Idaho. Upon the adoption of this Ordinance both the City of Bonners Ferry and Boundary County shall amend their Comprehensive Plans to be consistent with this agreement, if required.

Section 4: <u>Subdivision Ordinance</u>: The Subdivision Ordinance and subsequent amendments thereto as officially adopted by Boundary County, Idaho, shall apply to the Area of City Impact within the unincorporated area of Boundary County, Idaho. The Subdivision Ordinance of Boundary County shall also prevail over any City of Bonners Ferry ordinances pertaining to the division of original parcels of record, plat amendments, lot line adjustments, minor subdivisions, short plats or administrative lot splits.

Section 5: <u>Zoning Ordinance</u>: The Zoning Ordinance, Zoning Map and subsequent amendments thereto as officially adopted by Boundary County shall apply to the Area of City Impact within the unincorporated area of Boundary County, Idaho.

Section 6: Code and Ordinance Administration:

- 1. Boundary County shall be responsible for the administration of the County's ordinances listed in Section 3, 4 and 5, and shall receive all permit fees for inspection performed to recapture direct costs for inspections, administration, legal publications and other costs arising from the process. Appeal and hearing procedures shall follow those adopted by Boundary County presently and in the future.
- 2. Amendments to the Boundary County Comprehensive Plan, requests for preliminary and final plats or the vacation thereof and requests for zone changes, special use permits and/or conditional use permits involving property located in the Area of City Impact within the unincorporated area of Boundary County being proposed for non-agricultural development of any type shall be submitted to the City of Bonners Ferry for review and recommendation by the City Council.

 Review and approval recommendation by the City Council shall be in addition to county approval and shall be based upon standards for review as set forth under Title 67 and Title 50, Idaho Code. In granting a recommendation of approval, the City Council shall have the right to suggest terms and conditions pertinent to the permit under consideration.
- 3. The authority to enter into and execute development agreements with a subdivider and to accept required bonding or other forms of security to guarantee construction of required street and/or utility improvements involving plats located within the Area of City Impact within the unincorporated area of Boundary County shall rest with Boundary County.
- 4. Unless otherwise stipulated by written agreement, the maintenance of public streets, law enforcement and fire services within the Area of City Impact within the unincorporated area of Boundary County shall be the responsibility of Boundary County until such time as they are annexed by the City of Bonners Ferry pursuant to law.

Section 7: <u>Enforcement</u>: Enforcement of the Comprehensive Plan and land use ordinances within the Area of City Impact shall be as defined by Ordinance.

Section 8: <u>Renegotiation</u>: The Area of City Impact Agreement shall be reviewed by the City of Bonners Ferry and Boundary County at least once every ten years, and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin

By Deputy

sixty (60) days after written request by either the City or County, and shall follow procedures for the original negotiations as set forth in Idaho Code, Section 67-6526.

Section 9: <u>Effective Date</u>: This Ordinance shall be in full force and effect from and after its passage by both the City of Bonners Ferry and the County of Boundary as required by law.

Section 10: <u>Repeal and Severability</u>: Upon the passage, publication and effective date of this ordinance by both the City and the County all preceding ordinances of the City and the County in conflict with the provisions of this ordinance shall be and are repealed.

It is further provided that in the event any provision of this ordinance shall be deemed unconstitutional in violation of law, or unenforceable, that provision shall be deemed stricken and the remaining provisions shall remain in full force and effect.

APPROVED BY THE MAYOR AND COUNC FERRY this 23rd day of May, 20	IL OF THE CITY OF BONNERS 06.
CITY OF BONNERS FERRY, IDAHO	ATTEST:
Darrell Kerby, Mayor	Kris Larson, City Clerk
APPROVED BY THE COMMISSIONERS OF	THE COUNTY OF BOUNDARY this
COUNTY OF BOUNDARY BOARD OF COUNTY COMMISSIONERS	ATTEST:
Ron Smith, Chairman	Michelle Rohnwasser, Deputy
	Clerk of the Board of County Commissioners
Dan Dinning, Commissioner	COUNTY CON AND
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Wat Karry Commissioner	This is to lentife that the torough a true copy of the original and the or
Waft Kattoy, Commissioner	MOTEON TO PAIN SS. THE PROPERTY SS.
	Glenda Poston at 205 p.m.
Amon of Immed A	Vivaed County Recorder MRohanava

Area of Impact Agreement